## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ROSS et al. Confirmation No.:

Application No. Examiner:

Date Filed: September 25, 2006 Group Art Unit:

For: TISSUE OXYGENATION MEASUREMENTS

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent Office of the document which is listed on the attached Form PTO/SB/08A.

Applicant submits that the present invention is patentable over the cited reference. Submission of the listed document is not intended as an admission that such document constitutes prior art against the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove the listed document as a competent reference against the present application. A copy of the International Search Report and Written Opinion of the International Searching Authority are also enclosed.

Although no fee is believed to be due, the Commissioner is hereby authorized to charge any underpayment to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT

Date: September 25, 2006

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PTO/SB/06A (07-06)

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Substitute for form 1449/PTO	Complete If Known	
	Application Number	
INFORMATION DISCLOSURE	Filing Date	SEPTEMBER 25, 2006
STATEMENT BY APPLICANT	First Named Inventor	ROSS
	Art Unit	<u> </u>
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Sheet 1

of 1

Attornay Docket Number 5853-449-1

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	Document Number	Publication Data MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pegse, Columns, Lines, Where Relevant Passeges or Relevan
	Number-Kind Code <sup>2 (F Incom)</sup>			Figures Appear	
		<sup>US-</sup> 5,498,421	03/12/1996	GRINSTAFF ET AL.	
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Transition is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is astimated to take 2 hours to complete, including gethering, preparing, end authoriting the completed application from to the USPTO. Time will be report opening upon the individual case. Any comments on the emount of time you require to complete this form endor suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tracement Office, P.O. Dex 1450, Mexandria, VA 22313-1950. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Assandria, VA 22313-1459.